



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

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NID
(unassigned)

140521

OVERNIGHT MAIL

REPLY TO THE ATTENTION OF:
CM-29A

April 26, 1995

Benjamin Fisherow
Assistant Chief
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
1425 New York Ave., NW
Washington D.C. 20005

Re: Warrant to Enter Property of Emily Hankins (Sauget Area 1,
Site G, Parcel A-4)

Dear Mr. Fisherow:

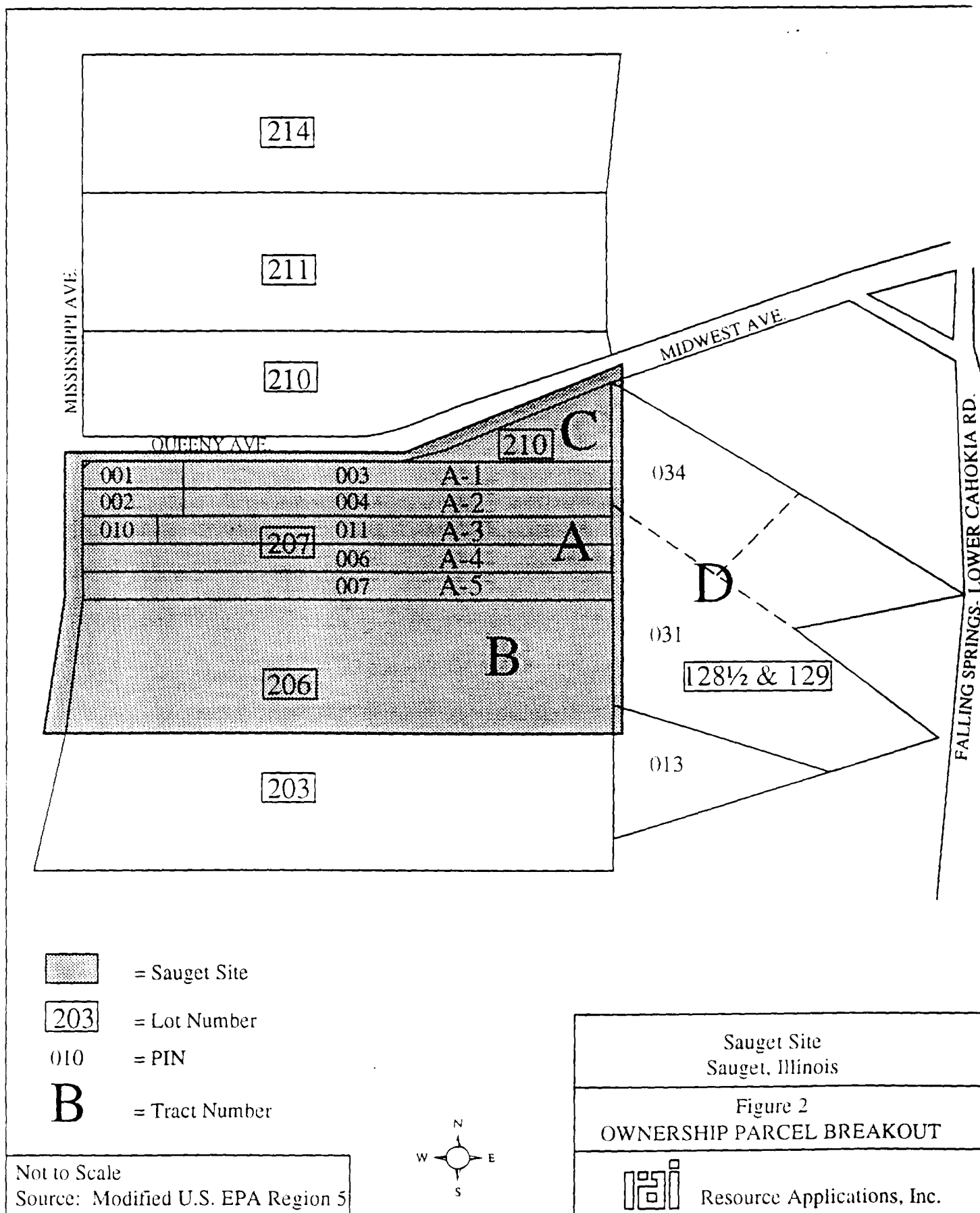
Enclosed please find materials pursuant to our request for issuance of a warrant authorizing U.S. EPA officials to enter onto property known as Sauget Area 1, Site G, Parcel A-4, in Sauget, Illinois. U.S. EPA requests access to this property pursuant to its statutory authority and the need to respond to a release or substantial threat of release of hazardous substances from the property. U.S. EPA has been unsuccessful in obtaining access to this property through a consent to access agreement and personal visits to the property owner. We would like to enter this warrant by the end of the week of May 3, 1995. Please have the attorney assigned to this matter call me at (312) 886-4273 as soon as possible.

Sincerely,

Thomas J. Martin
Associate Regional Counsel

Enclosures

bcc: Jeff Gore (w/encl.)
Sam Borries (w/encl.)



IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS, SOUTHERN DIVISION

IN THE MATTER OF:)	Civ. Action No.
)	
Sauget Area 1, Site G)	WARRANT FOR ENTRY AND
Sauget, Illinois)	INVESTIGATION PURSUANT TO
)	SECTION 104 OF THE
)	COMPREHENSIVE
)	ENVIRONMENTAL RESPONSE,
)	COMPENSATION AND
)	LIABILITY ACT OF 1980

TO: THE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF
ILLINOIS AND ANY OFFICER, EMPLOYEE, OR DESIGNATED
REPRESENTATIVE OF THE UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY (U.S. EPA).

An affidavit by Mr. Samuel F. Borries having established that a release or a substantial threat of release of hazardous substances, pollutants, or contaminants into the environment has occurred or is about to occur from Sauget Area 1, Site G, which is a fenced, partially covered industrial landfill situated in the southeastern quadrant of the intersection of Mississippi and Queeny Avenues in Sauget, Illinois (St. Clair County); that certain response actions by U.S. EPA are necessary to protect the public health, welfare, and the environment; that Ms. Emily Hankins, who is partial owner of Site G, has refused to grant U.S. EPA access to her portion of the site, and that the application by the United States of America, on behalf of U.S. EPA, having established that the issuance of this warrant is constitutional, and that the right of U.S. EPA to enter, investigate, and conduct response actions is authorized by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601 et seq., as amended; and

this Court having found that reasonable grounds exist for issuance of a warrant:

IT IS HEREBY ORDERED that Ms. Hankins, or any party which might assert control over the portion of Site G owned by Ms. Emily Hankins, shall permit any officers, employees, and designated representatives of U.S. EPA, including contractors and subcontractors, and the United States Marshal, to enter upon the property identified on the parcel breakout map attached hereto and described as:

Sauget Area 1, Site G, Parcel A-4

If any party appears at the site and asserts control over the above-referenced parcel while the work described in this Warrant is being performed, U.S. EPA, its representative, or contractor shall present a copy of this Warrant to such person. If the owner, her designated representative, or other party are not present, a copy of this Warrant shall be left at Ms. Hankins' residence (3110 Mississippi Ave., Sauget, Illinois 62201) at the time of initial entry.

IT IS FURTHER ORDERED that officers, employees, and designated representatives of U.S. EPA, including any duly designated contractors or subcontractors, and the United States Marshal shall be authorized and permitted to enter and re-enter the above-referenced property during the hours of 7:00 a.m. to 8:00 p.m. to conduct thereon the following activities:

- a. Implement a sampling and analytical program designed to identify contaminated material inside and outside of the Site G landfill fenced area;

- b. Provide dust suppression measures for excavated contaminated material to insure contaminated dust does not migrate;
- c. Handle, consolidate, store, remove, and/or treat and dispose of contaminated liquids, soil, and sediment which has migrated off-site and/or still exists on Site G, including any contamination which may have migrated into the adjacent portion of Dead Creek;
- d. Consolidate and/or remove non-hazardous waste and/or brush and debris;
- e. Close/abandon any monitoring wells that interfere with placement of a landfill cover;
- f. Provide appropriate back-fill material as necessary to excavated areas and solidify/stabilize liquids, sludge and sediment as necessary to support overlying cover materials;
- g. Design and engineer any appropriate protective cover for the landfill contents and the consolidated materials placed in the fenced area of Site G complying with identified State and Federal ARARs; and
- h. Implement necessary erosion control measures to prevent cover erosion.

IT IS FURTHER ORDERED that the duration of the entry, investigation, and response activities authorized by this Warrant shall be of such reasonable length to enable U.S. EPA to satisfactorily complete the above-described activities. Entry by U.S. EPA, its officers, employees, representatives, contractors, and subcontractors, shall not be permitted for longer than one hundred and twenty (120) working days from the date U.S. EPA first commences response activities on site. U.S. EPA is permitted to commence response activities on site within thirty (30) days of the date this Warrant is granted.

IT IS FURTHER ORDERED that the United States Marshal is hereby authorized and directed to assist officers, employees, and

representatives of U.S. EPA in such manner as may be reasonable and necessary to properly execute this Warrant and all the provisions contained herein.

IT IS FURTHER ORDERED that a prompt return of this Warrant shall be made to this Court within one hundred and eighty (180) days from the date hereof, showing this Warrant has been executed, and that the entry and activity authorized herein has been completed within the time specified above.

Dated this _____ day of _____, 1995.

United States Magistrate Judge
United States District Court
Southern District of Illinois
Southern Division

